

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BARBARA KNAPKE, individually and on behalf of all others similarly situated,

Plaintiff,

V.

## PEOPLECONNECT, INC.,

## Defendants.

Case No. 2:21-cv-00262-MJP

## **JOINT STATUS REPORT**

Pursuant to the Court’s July 13, 2022 Order (Dkt. 58), Plaintiffs Barbara Knapke, Alyssa Izzo, and John Wilson, (collectively, “Plaintiffs”) and Defendant PeopleConnect, Inc. (“PeopleConnect”), by and through their attorneys, respectfully submit the following Joint Status Report:

1. On June 29, 2022, the Ninth Circuit vacated the Court’s decision denying PeopleConnect’s Motion to Compel Plaintiff Knapke to Arbitration (Dkt. 25) and remanded the case for arbitration-related discovery. *Knapke v. PeopleConnect, Inc.*, No. 21-35690 (June 29, 2022), at 5. The Ninth Circuit held that “questions of fact precluded ruling on the motion to compel arbitration” including “whether Knapke and [her attorney] had an agency relationship when [her attorney] agreed to the Terms of Service; if they did have an agency relationship, whether and how Knapke limited [her attorney]’s authority as her agent; and whether Knapke ratified [her

attorney]’s agreement to arbitrate even if [her attorney] initially lacked authority to bind her to the agreement.” *Id.* at 4–5. The Ninth Circuit concluded that under the Federal Arbitration Act, “PeopleConnect has a right to conduct discovery on these and related arbitrability issues before the district court decides the motion to compel arbitration.” *Id.* at 5.

2. On June 29, 2022, the Court ordered the parties to meet and confer to discuss discovery and submit a Joint Status Report by July 13, 2022. (Dkt. 56).

3. On July 6, 2022, counsel for Plaintiffs and PeopleConnect met and conferred via Zoom. After the meet and confer, counsel for Plaintiff Knapke learned that she had passed away. At that time, the parties requested an additional thirty (30) days for Plaintiff Knapke’s counsel to identify the proper successor in interest pursuant to Rule 25, and to report to PeopleConnect and the Court regarding proposed next steps. (Dkt. 57). The Court granted that request. (Dkt. 58).

4. Plaintiff's Counsel has made contact with Ms. Knapke's husband, who is currently in the process of gathering documents, including copies of their marriage certificate and Ms. Knapke's death certificate. Mr. Knapke has informed Plaintiff's counsel that he does not intend to pursue the case upon being substituted pursuant to Rule 25. However, Plaintiff's counsel and Mr. Knapke respectfully request an additional thirty (30) days to fully collect and submit the aforementioned documents.

Dated: August 12, 2022

Respectfully submitted,

## BURSOR & FISHER, P.A.

By: /s/ Philip L. Fraietta  
Philip L. Fraietta

Philip L. Fraietta (*Pro Hac Vice*)  
888 Seventh Avenue  
New York, NY 10019  
Telephone: (646) 837-7150  
Facsimile: (212) 989-9163  
E-Mail: pfraietta@bursor.com

**CARSON NOEL PLLC**  
Wright A. Noel (State Bar No. 25264)  
20 Sixth Avenue NE

1 Issaquah, WA 98027  
2 Tel: (425) 837-4717  
3 Fax: (425) 837-5396  
E-Mail: wright@carsonnoel.com

4 *Attorneys for Plaintiff*

5 **GORDON TILDEN THOMAS & CORDELL LLP**

6 By: /s/ Michael Rosenberger

7 Michael Rosenberger, WSBA # 17730  
8 Mark Wilner, WSBA # 31550  
9 Samantha K. Pitsch, WSBA # 54190  
10 600 University Street, Suite 2915  
Seattle, Washington 98101  
Telephone: 206 467-6477  
Email: mrosenberger@gordontilden.com  
Email: mwilner@gordontilden.com  
Email: spitsch@gordontilden.com

13 Debbie L. Berman (*pro hac vice pending*)  
14 Wade A. Thomson (*pro hac vice pending*)  
15 Clifford W. Berlow (*pro hac vice pending*)  
**JENNER & BLOCK LLP**

16 353 North Clark Street  
Chicago, IL 60654  
17 Telephone: 213-222-9350  
Email: dberman@jenner.com  
Email: wthomson@jenner.com

18 Brent Caslin, WSBA # 36145

19 **JENNER & BLOCK LLP**  
20 515 S. Flower Street, Suite 3300  
Los Angeles, California 90071-2246  
21 Telephone: 213 239-5100  
Email: bcaslin@jenner.com

22 *Attorneys for Defendant*